

with few legislative options to resolve the problems facing the people of northern Minnesota.

While many contentious issues surround the management of these two national treasures, no issue more perfectly symbolizes the failure of the Federal Government to live up to its proper role of serving the people than that of the three portages.

The same radical environmental individuals engaged in Senator WELLSTONE's mediation effort have claimed that any portage changes are "non-negotiable." And yes, the same environmental lawyer who came up with the word "feasible" is part of this mediation effort. Congressman OBERSTAR and I persuaded the managers of the conference committee considering the omnibus parks bill to include a compromise provision which would reopen the Trout, Prairie, and Four-Mile portages to the elderly, disabled, and everyone who did not have a washboard stomach.

We hoped that at long last, the people of northern Minnesota would finally have their voices heard in Congress.

But once again, those same special interest groups—who had fooled the people of northern Minnesota in 1978, closed the portages in 1993, and used their influence to block our bills from the committee process this year—struck again, soliciting letters of opposition from Senators outside of Minnesota and even a veto threat from the White House.

The compromise was pulled out of the conference report late Tuesday night—and the people of northern Minnesota were shut out once again.

I am disappointed by this turn of events—not so much for myself and Congressman OBERSTAR, though we have put much time and effort to get the portages reopened—but rather for John Novak, Joe Madden, and the thousands of northern Minnesotans who were counting on this Congress to begin righting the wrongs of the last two decades.

You see, we in Minnesota still honestly believe in the words of President Lincoln that this is a "government of the people, by the people, and for the people."

These words and the principles of democracy they embody have been passed down from generation to generation—the uniquely American idea that Government should work in the interests of the people, not against them.

But somewhere down the line, that idea was forgotten by those Federal officials and bureaucrats who have been serving the radical environmental cabal, rather than for those hard-working taxpayers in northern Minnesota who ask for so little.

It is not surprising that the people of northern Minnesota are questioning just whom the Federal Government really serves.

It was President Clinton—yes, the same President Clinton whose White House threatened to veto the portages compromise—who said "There is nothing wrong with America that cannot be fixed by what is right with America." In taking up the cause of the people of northern Minnesota, I embrace those words and only slightly modify them to say "There is nothing wrong with the federal government that cannot be fixed by what is right with the American people." And it is what is right about our fellow Americans that keeps me hopeful that we will indeed resolve this issue in a way that best suits those Minnesotans who I am proud to represent in the Senate.

We may not have the money that the radical environmentalists do, or have at our disposal the highly-paid lobbyists and lawyers who are working against us—but we do have something more important than all of that. We have the truth on our side. And we are working for the same thing every American wants from our government: accountability to the people.

Accountability means balancing the protection of our pristine wilderness with the rights of the people to enjoy our natural resources. It means restoring the promises made in the past and establishing a partnership with the people to ensure those promises will be honored in the future. And it means keeping the Federal Government in check to guarantee that it works for the best interests of the people.

We who love the Boundary Waters Canoe Area Wilderness are working toward—and will continue to work toward—those goals. I am pleased to have a commitment from the distinguished chairman of the Senate Energy and Natural Resources Committee for an early markup of this common-sense reform effort in the next Congress. We will not stop our efforts until the principles of democracy are embodied in the future management of this beautiful national treasure. The people of northern Minnesota will have their voices heard in Congress, past injustices will be remedied, and the promises made so long ago by Senator Humphrey will be kept.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask to speak in morning business.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes according to the previous order.

NOMINATION OF NAVY CAPT. JEFFREY A. COOK

Mr. GRASSLEY. Mr. President, I want to discuss an issue I have with the Armed Services Committee.

On May 15, 1995, I wrote a letter to the chairman of the Committee, my friend from South Carolina, Senator THURMOND.

This was a very important letter.

It concerned the nomination for promotion of Navy Capt. Jeffrey A. Cook.

Mr. President, I ask unanimous consent to have this letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CHARLES E. GRASSLEY,
U.S. SENATE,
Washington, DC, May 15, 1995.

Hon. STROM THURMOND,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR STROM: I am writing to raise questions about the pending promotion of Navy Captain Jeffrey A. Cook to the rank of rear admiral (lower half).

My questions about Captain Cook's fitness for promotion pertain to his service as the A-12 class desk officer during the period 1987 to 1990. In that capacity, he was the chief engineer for the A-12 stealth bomber program and the principal adviser for engineering matters to the A-12 program manager, Captain Lawrence G. Elberfeld.

A-12 CRIMINAL INVESTIGATION

The main source of my concern about Captain Cook's qualification for promotion are the results of a criminal investigation. The investigation was conducted by the Chicago Field Office of the Defense Criminal Investigation Service, Department of Defense Inspector General (IG). The report on the investigation is dated April 20, 1994, and carries the designation 9011045M-20-SEP-90-40SL-E5A/D.

The purpose of the criminal investigation was to examine allegations that "U.S. Navy and DOD [Department of Defense] officials may have concealed or conspired to conceal, or otherwise thwart, the dissemination of adverse A-12 program information to the DOD and to Congress."

The investigation found several specific instances in which former Secretary of the Navy H. Lawrence Garrett and other Navy A-12 program officials "withheld, concealed, and/or suppressed adverse A-12 program information" from cognizant DOD and Navy oversight personnel and from Congress. Both Mr. Garrett and Captain Elberfeld are accused of withholding relevant documents and material during an official inquiry and subsequent congressional oversight hearings. Worse still, the report suggests that Mr. Garrett may have in fact destroyed important evidence during the criminal phase of the investigation.

Based on the results of the investigation, the Inspector General concluded there were reasonable grounds to believe that Federal criminal law had been violated. Therefore, all the detailed information related to the actions of Secretary Garrett were referred to the Department of Justice for possible prosecution. Similarly, the case against Captain Elberfeld was referred to the Office of the Judge Advocate General of the Navy for possible court-martial. Captain Elberfeld was suspected of violating various articles of the Uniform Code of Military Justice, including article 907—pertaining to false official statements. In both cases, a decision was made not to prosecute.

CAPTAIN COOK'S POSSIBLE ROLE IN A-12 COVER-UP

Now, this is the issue that must be addressed on the pending nomination: Did Captain Cook allow himself to be drawn into the web of deceit spun out by former Secretary Garrett and Captain Elberfeld? Was Captain Cook a willing or unwilling participant in

the scheme to withhold and conceal adverse information on the A-12 program?

On the surface, Captain Cook's performance appears to have been exceptional. He is the only Navy official I know of who was critical of the program, and the investigators say he is the only person who was "open and cooperative" during the probe. His criticism came in the form of several briefings in which he "identified severe technical problems with the A-12 program." These briefings are discussed in the IG's investigative report. His criticism was very much to his credit.

While his critical technical assessments were commendable, I fear they may have been nothing more than a clever bureaucratic "cover-your-fanny" operation. This is the scenario I visualize. Captain Cook would present a briefing identifying "severe technical problems," but in the face of opposition and pressure from Captain Elberfeld and more senior officers, Cook would quickly back down. Without further protest, Captain Cook would then join Captain Elberfeld in pumping out false and misleading status reports on the A-12. In the end, I think, Captain Cook acquiesced in the scheme to conceal adverse information on the program.

The incidents described on pages C29 to C31 of the investigative report seem to lend credence to idea that Captain Cook went along with the coverup.

On April 16, 1990, Captain Cook provided one of his briefings to a group of senior officers, including Vice Admiral Richard C. Gentz, Commander of the Naval Air Systems Command. In the briefing, he identified "severe technical problems" that could "slip" the program for at least one year. After hearing that piece of bad news, Admiral Gentz told Captain Elberfeld to "re-assess" the A-12 program and report back to him with solutions within 24 hours. As I understand it, Captain Cook helped Captain Elberfeld prepare a "revised" technical update briefing for Admiral Gentz. This is where Captain Cook seems to have taken a 180 degree turn in his thinking. He did an about-face and worked with Elberfeld late into the night, twisting and distorting the facts, turning his own assessment upside down, helping Elberfeld put a favorable spin on the status of the program. After their night of handy work, Admiral Gentz felt the one-year "slip" was unnecessary, leaving the money spigot wide open. That particular piece of work came at a very critical point in the program. (Refer to page C-31)

Captain Cook also participated in the confiscation and suppression of a devastating report on the A-12 program. This incident occurred in February 1990 and is described on pages C-29 to C-30 of the investigative report.

The highly critical evaluation was prepared by Mr. Ed Carroll, a civilian production analyst assigned to the Office of the Secretary of Defense. His report predicted a one-year "slip" in the program. The Carroll report was "confiscated"—allegedly for a security violation—and "relinquished" to Captain Cook. He subsequently turned it over to one of his subordinates, Mr. John J. Dicks. When investigators discovered the Carroll report buried in A-12 program office files, attached to it was a handwritten note by Dicks. The note stated in part: "Keep this package quiet and close controlled." As a result of Cook's actions, the highly critical Carroll report never saw the light of day. The handling of the Carroll report suggests to me that Captain Cook could have played a role in concealing adverse information on the A-12 stealth bomber.

HOLDING CAPTAIN COOK TO A HIGHER STANDARD

Strom, as I said, compared to other A-12 program officials, Captain Cook's performance was exceptional. It makes him look like a hero. But in making that comparison, we are holding him to a negative standard. A candidate for promotion to rear admiral must be held to a much higher standard—a standard of excellence. When that is done, I don't think Captain Cook measures up.

There is a fundamental principle of leadership: "Seek Responsibility and Take Responsibility for your Actions."

At the time, the A-12 was a top priority Navy program. As chief engineer on the project, he had identified a major technical problem that posed a very real threat to the viability of the whole program. It was a "show stopper"—a problem that had to be fixed. He was responsible for developing a sound and timely solution to the problem. He had a responsibility to follow through. He was fully accountable for that problem. A man in his position should not wait for his superiors to tell him what to do. He needed to take the initiative and solve it—with the approval, of course, of his superiors. However, when those over him balked at his solutions but at the same time refused to even address "show stopper" problems, then he had a responsibility to confront them and push it up the chain of command. For example, he would have sent a written report up the chain of command to the top DOD acquisition "czar"—if necessary, laying out his view of the problem.

Unfortunately, Captain Cook's protests ended where they began—in his briefings. Had he pushed them further up the chain of command, he would have run the risk of ruining his career. Doing the right thing almost always involves risks and even danger. Doing what must be done takes courage, commitment and integrity. Had Captain Cook pursued the more risky solution, he would have set an example of excellence. No aspect of leadership is more powerful than setting a good example. Had he done it, Cook would have been a role model for all to respect. Strom, we must judge Captain Cook against such a standard of excellence.

A candidate for promotion to rear admiral should demonstrate certain outstanding leadership qualities including courage, competence, candor, commitment, and integrity. In my mind, Captain Cook failed to demonstrate those skills as chief engineer on the A-12 project. His superior officers told him to do the wrong thing, and he did it. He failed to stick to his beliefs. He failed to act on the information he had. He failed to demonstrate a solid commitment to solving the engineering problems that he had identified and for which he was accountable.

OVERALL IMPACT OF A-12 MISMANAGEMENT

The failure of former Secretary Garrett, Captain Elberfeld, Captain Cook and others to confront major technical problems on the A-12 in an open, honest, and timely way has had a profound, long-term negative impact on the Navy.

The A-12 was supposed to begin replacing the Navy's aging fleet the A-6 bombers in 1994. That was last year. Well, there are no A-12 bombers in the fleet and never will be. All the money spent on the A-12—nearly \$3.0 billion—was wasted. We have absolutely nothing to show for it.

The A-12 program was terminated for default in January 1991. Former Secretary of Defense Cheney killed the program because it was way over cost and way behind schedule, and no one could tell him how much money it would take to finish it. To make

matters worse, the two A-12 contractors—McDonnell Douglas and General Dynamics—are suing the Government for billions. And the Government's case is weak. It's very difficult to blame the contractors for what happened when top Navy officials like Garrett, Elberfeld, and Cook all knew the program was in deep trouble but did nothing about it. They just kept shoveling more money at the contractors in the form of fraudulent progress payments—payments made for work that was not performed. In all probability, we are going to end up spending even more money on a dead horse—mainly because people like Garrett, Elberfeld and Cook didn't do their jobs. Had any one of them done the right thing, the A-12 might be in the fleet today.

Strom, I only ask that you review the IG's investigative report and determine what role, if any, Captain Cook played in the scheme to withhold and conceal adverse information on the A-12 program.

I also ask that Captain Cook's performance not be evaluated against the performance of the other A-12 program officers. I respectfully request that he be judged against a much higher standard of excellence. Please let me know what you decide.

Your consideration in this matter is greatly appreciated.

Sincerely,

CHARLES E. GRASSLEY,
U.S. Senator.

Mr. GRASSLEY. Mr. President, this letter raised several very serious questions about Captain Cook's fitness for promotion to the rank of admiral.

Specifically, my questions about Captain Cook pertained to his service as chief engineer on the A-12 stealth bomber project that was terminated for default in January 1991.

The A-12 project collapsed because of an unresolved engineering problem—uncontrolled increases in the weight of the airplane.

It was a "show stopper," and Captain Cook was up to his ears in the whole mess.

As the weight of the airplane grew, the schedule kept sliding, and the price kept going up.

Eventually, this top priority Navy program was buried in a massive cost overrun.

This kind of mismanagement was bad enough by itself.

But A-12 mismanagement became a criminal enterprise when senior Navy officials attempted to conceal and cover up the cost overrun with lies.

They attempted to hide the problem from the Secretary of Defense and the Congress.

This behavior triggered a criminal investigation by the Inspector General [IG] of the Department of Defense.

The IG concluded that Federal criminal laws were violated, and the case was referred to the Justice Department for prosecution.

The investigation found several specific instances in which the Secretary of the Navy at the time, H. Lawrence Garrett, and A-12 program officials

"withheld, concealed, and/or suppressed adverse A-12 program information" from the Secretary of Defense and the Congress.

That is a quote from the IG's criminal report.

I also believe the IG report shows that Captain Cook may have participated in the scheme to conceal and suppress adverse information about the program.

These are very serious allegations.

They need to be addressed and resolved.

Maybe the Committee conducted an investigation and cleared him, but I do not know that. The Committee has never bothered to tell me about it.

So I was very surprised and very disappointed to find Captain Cook's name on a July 1996 list of "United States Navy Flag Officers."

He has been confirmed and "frocked."

That means he wears an admiral's insignia but is still paid as a captain.

Once an admiral's billet opens up, he will assume the full duties and responsibilities of an admiral.

Mr. President, I think the Committee owes me an explanation.

Mr. President, on September 27, I wrote a second time—1½ years later—to Senator THURMOND, asking for a response.

I ask unanimous consent to have this second letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
Washington, DC, September 27, 1996.

Hon. STROM THURMOND,
Chairman, Committee on Armed Services,
U.S. Senate, Washington, DC.

DEAR STROM, I am writing to follow up on my letter of May 15, 1995, regarding the nomination for promotion of Navy Captain Jeffrey A. Cook.

In my letter to you of May 15, 1995, I raised several very serious questions bearing on Captain Cook's fitness for promotion to the rank of admiral. My questions were based on a criminal investigation conducted by the Inspector General of the Department of Defense. These questions pertained to his service as chief engineer on the A-12 stealth bomber project that was terminated for default in January 1991. These questions suggest that Captain Cook may have participated in a scheme to conceal adverse information on the A-12 from both the Secretary of Defense and Congress.

In view of these allegations and since I never received a response from you, I was very surprised and disappointed to find Captain Cook's name on July 1996 list of "United States Navy Flag Officers." This list indicates that he has been confirmed and "frocked." Once an admiral's billet becomes available, he will assume the full duties and responsibilities of the rank.

Would you be kind enough to explain how your Committee resolved the questions raised in my letter of May 15, 1995. Had I known that your Committee was prepared to proceed with this nomination, I would have liked to have had an opportunity to raise my objections on the floor. Strom, we in the Senate have a Constitutional responsibility to nurture topnotch leadership in the Armed Forces. Officers who meet those high stand-

ards should be praised and promoted. Those who fail to meet the high standards should be weeded out.

I would appreciate a response to my letter.

Sincerely,

CHARLES E. GRASSLEY,
U.S. Senate.

Mr. GRASSLEY. Had I known the committee was prepared to confirm Captain Cook, I would have asked for an opportunity to raise my objections on the floor.

Mr. President, we in the Senate have a constitutional responsibility to nurture topnotch leadership in the Armed Forces.

Officers who meet those standards should be praised and promoted.

Those who fail to meet those high standards should be weeded out.

Based on what I know right now today, I do not think Captain Cook meets the highest standards nor should have been promoted to admiral.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Alaska.

Mr. MURKOWSKI. I thank the Chair.

(The remarks of Mr. MURKOWSKI pertaining to the introduction of S. 2150 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. MURKOWSKI. I thank the Chair. Mr. President, I yield the floor.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I ask unanimous consent that the Senator from South Carolina have whatever time he may consume for a tribute—about 4 minutes; that following his remarks, Senator WYDEN and I speak as in morning business for a period not to exceed a total of 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Carolina.

RETIREMENT OF SENATOR ALAN SIMPSON

Mr. THURMOND. Mr. President, I rise to pay tribute to one of the finest men I have had the privilege to serve with in the U.S. Senate. I refer to my very good friend, the senior Senator from Wyoming, ALAN SIMPSON, who is retiring from the Senate. AL SIMPSON comes from a family with a rich Wyoming heritage.

Mr. President, from territorial days to the present, the Simpsons have made Wyoming justifiably proud of their distinguished public service. His father, Milward, served as Governor and then came to the Senate in 1962. Like his father, AL has a wonderful sense of humor, even if it is sometimes a bit ribald. He calls a sense of human "the universal solvent against the abrasive elements of life." I know of no one who lives up to that motto like my friend, AL SIMPSON.

AL has other sterling qualities that have made him one of the best-liked members of the Senate on either side of

the aisle. His personal warmth, his integrity, his loyalty, his sense of fairness, and his willingness to listen to the concerns of his colleagues were attributes that allowed him to do a superb job as assistant Republican leader for 10 years.

Bob Dole could not have had a more loyal "deputy" than AL. President George Bush never had a more loyal friend than AL. AL spent countless hours on the floor of the Senate and in the media as an advocate and defender of his friend, President Bush.

I have served many years in the military and in combat as well and I can attest that AL is the kind of loyal friend who you would want by your side in battle. That includes legislative battles, too. For 18 years—at my initial urging—he served with me on the Senate Judiciary Committee. We have been through a great deal of controversial legislation and nominations together. We have worked together side by side with never a cross word and always the highest level of mutual respect and friendship.

When he leaves the Senate, he will leave behind a legacy of great legislative achievements, particularly in the area of immigration. Early on, AL was willing to take on the tough job of being the Republican's subcommittee leader on immigration. While serving as chairman of the Judiciary Committee, I appointed AL as chairman of the Immigration Subcommittee. No one appreciates his work more than I. Immigration issues are often emotionally charged. It takes a very talented legislative leader to shepherd significant immigration legislation through Congress. AL has done it with great effectiveness throughout his career, and in this last week of the 104th Congress he once again is about to lead us in the passage of an illegal immigration reform bill of which he can be very proud. He authored the Senate bill, and his influence on the final conference report is without peer.

He is tough, but fair, and his word is his bond. Accordingly, he is justly recognized by his colleagues on both sides of the aisle as an incredibly skillful legislator.

He is married to one of the most gracious, attractive ladies I have known. As AL tells it, Ann Simpson got more votes for him than he did for himself. She is much more than an effective campaigner. She has made wonderful contributions to her State and the Nation through her work on mental health issues, through her efforts on behalf of Ford's Theater, and in her work for the University of Wyoming, particularly the art museum there.

I know that cowboy AL SIMPSON is not going to "ride off into the sunset." He will maintain an active, stimulating life. His first venture will be a professorship at Harvard University. I am sure his students will be treated to some unforgettable AL SIMPSON stories which will evoke both laughter and warmth.